

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

| DO NOT WRITE IN THIS SPACE | |
|----------------------------|------------|
| Case | Date Filed |
| 02-CA-183919 | 9/8/16 |

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

| | | |
|---|---|--|
| a. Name of Employer Ellen's Stardust Diner and 1650 Broadway Associates, as a single or joint employer | | b. Tel. No. 212-956-5151 |
| d. Address (street, city, state ZIP code) 1650 Broadway New York, NY 10019 | | c. Cell No. |
| e. Employer Representative Ken Sturm, Owner | | f. Fax No. 212-956-5834 |
| | | g. e-Mail ken@theiridium.com |
| | | h. Dispute Location (City and State) New York, New York |
| i. Type of Establishment (factory, nursing home, hotel) restaurant | j. Principal Product or Service restaurant | k. Number of workers at dispute location 100+ |

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See attached sheet.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

**4b. Tel. No.**

(b) (6), (b) (7)(C)

4c. Cell No.**4d. Fax No.****4e. e-Mail**

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**6. DECLARATION**

(b) (6), (b) (7)(C)

and that the statements are true to the best of

Tel. No.**Office, if any, Cell No.**

(b) (6), (b) (7)(C) Individual

charge) Print Name and Title

Fax No.

Date: 9-8-16

e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)

Charge Against Ellen's Stardust Diner and 1650 Broadway Associates

The above-named Employer(s), by its officers, agents, and/or representatives, engaged in the following conduct on or about the date specified because employees engaged in protected concerted activities and or union activities in support of the Stardust Family United, which is a branch of the Industrial Workers of the World, a union:

On or about (b) (6), (b) (7)(C) 2016, the Employer representative (b) (6), (b) (7)(C) told employees that they would be fired if they circulated any petition regarding "anything."

On or about (b) (6), (b) (7)(C) 2016, the Employer representative (b) (6), (b) (7)(C) interrogated employees regarding the identity and conduct of other employees and threatened that those employees would be terminated and or suggested their job was in jeopardy.

On or about (b) (6), (b) (7)(C) 2016, the Employer removed lockers from the upstairs bathroom and revoked employees' bathroom privileges.

On or about (b) (6), (b) (7)(C) 2016, the Employer discharged (b) (6), (b) (7)(C).

On or about (b) (6), (b) (7)(C) 2016, the Employer removed several employees on approved leave of absence from the schedule.

On or about (b) (6), (b) (7)(C) 2016, the Employer fundamentally altered the long standing tip bucket procedure.

On or about (b) (6), (b) (7)(C) 2016, Employer representative (b) (6), (b) (7)(C) asked employees for the name of Union organizers and implied that employees could lose their job and benefits.

On or about (b) (6), (b) (7)(C) 2016, the Employer discharged (b) (6), (b) (7)(C).

On or about (b) (6), (b) (7)(C) 2016, the Employer took away the employees access to the messaging capabilities on HotSchedules.

On or about (b) (6), (b) (7)(C), 2016, Employer representative (b) (6), (b) (7)(C) instructed employees not to put up union pamphlets in the employee locker room.

On or about (b) (6), (b) (7)(C) 2016, the Employer posted flyers that stated Unionization would cause the loss of numerous federally protected rights.

Charge Against Ellen's Stardust Diner and 1650 Broadway Associates

On or about August 31, 2016, the Employer posted flyers with false information about the Union.

On or about September 1, 2016, the Employer reduced the work schedule of employees.

On or about September 3, 2016, the Employer engaged in unlawful surveillance of employees by videotaping employees who were engaging in a "banner demonstration."

On or about (b) (6), (b) (7)(C) 2016, Employer representative (b) (6), (b) (7)(C) instructed employees not to record a group meeting and made employees delete the recording.

On or about (b) (6), (b) (7)(C) 2016, Employer representative (b) (6), (b) (7)(C) circulated an anti-union petition and suggested to employees that signing this would keep their jobs safe.

On or about (b) (6), (b) (7)(C) 2016, Employee representative (b) (6), (b) (7)(C) implied to employees that the restaurant would be closed if the restaurant becomes unionized.

On or about (b) (6), (b) (7)(C) 2016, Employee representative (b) (6), (b) (7)(C) threatened employees with discharge if the restaurant becomes unionized.

On or about (b) (6), (b) (7)(C) 2016, the Employer offered compensation to certain employees to spy on the union activities of employees.

On or about (b) (6), (b) (7)(C) 2016, the Employer required new employees, as a condition of employment, to sign a document stating they would not discuss with other employees their working conditions and their interactions with managers.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

| | |
|-----------------------------|------------------------------|
| Case 02-CA-184293 | Date Filed 9-15-16 |
|-----------------------------|------------------------------|

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

| | |
|--|--|
| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT | |
| a. Name of Employer 1650 BROADWAY ASSOCIATES d/b/a ELLEN'S STARDUST DINER | b. Tel. No. (212) 956-5151 |
| | c. Cell No. |
| | f. Fax No. |
| d. Address (Street, city, state, and ZIP code) 1650 Broadway New York City NY 10019 | e. Employer Representative Ken Sturm Owner |
| | g. e-Mail ken@theinidium.com |
| | h. Number of workers employed 170 |
| i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurants | j. Identify principal product or service Food Service |
| k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 4, 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) (1) Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities. (2) Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities. (3) Within the previous six months, the Employer discharged an employee(s) because the employee(s) filed charges or cooperated with the NLRB. (4) Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership. (5) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership. (6) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities. (7) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities. (8) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) filed charges or cooperated with the NLRB. | |
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) Title: Stardust Family United | |
| 4a. Address (Street and number, city, state, and ZIP code) c/o Eisner & Dictor, P.C. 39 Broadway, Suite 1540 New York City NY 10006 | 4b. Tel. No. (b) (6), (b) (7)(C) 4c. Cell No. 4d. Fax No. 4e. e-Mail (b) (6), (b) (7)(C) stardustfamilyunited.com |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) | |
| 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By Benjamin N. Dictor Benjamin N. Dictor Esq. (signature of representative or person making charge) Title: (Print/type name and title or office, if any) 39 Broadway Suite 1540 09/14/2016 16:23:27 Address New York City NY 10006 (date) | |
| Tel. No. (212) 473-8700 Office, if any, Cell No. (716) 795-2267 Fax No. (212) 473-8705 e-Mail ben@eisnerdictor.com | |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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RECEIVED
NLRB
REGION 2
SEP 15 AM 4:47
NEW YORK NY

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

FIRST AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

| DO NOT WRITE IN THIS SPACE | |
|----------------------------|------------|
| Case | Date Filed |
| 02-CA-184293 | 11/14/16 |

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

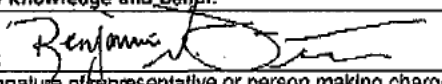
| | | |
|--|--|--|
| a. Name of Employer 1650 Broadway Associates d/b/a Ellen's Stardust Diner | | b. Tel. No. (212)956-5151 |
| | | c. Cell No. |
| d. Address (street, city, state ZIP code) 1650 Broadway, New York City, NY 10019 | e. Employer Representative Ken Sturm Owner | f. Fax No. |
| | | g. e-Mail ken@theiridlum.com |
| | | h. Dispute Location (City and State) New York, NY |
| i. Type of Establishment (factory, nursing home, hotel) Restaurant | j. Principal Product or Service Food Service | k. Number of workers at dispute location 170 |
| l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. | | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See attached. | | |

RECEIVED
NOV 14 2016
NLRB

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Stardust Family United

(b) (6), (b) (7)(C)

| | | |
|---|--|---|
| 4a. Address (street and number, city, state, and ZIP code) c/o Eisner & Dictor, P.C., 39 Broadway, Suite 1540, New York City, NY 10006 | | 4b. Tel. No. (b) (6), (b) (7)(C) |
| | | 4c. Cell No. |
| | | 4d. Fax No. |
| | | 4e. e-Mail (b) (6), (b) (7)(C) @stardustfamilyunited.com |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) | | |
| 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. | | Tel. No. (212) 473-8700 |
| By:  (signature of representative or person making charge) | Benjamin N. Dictor, Esq. Print Name and Title | Office, if any, Cell No. (716) 795-2267 |
| Address: Eisner & Dictor, P.C., 39 Broadway, Suite 1540, New York City, NY 10006 | Date: 11/14/16 | Fax No. (212) 473-8705 |
| | | e-Mail ben@eisnerdictor.com |

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- (1) Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.
- (2) Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.
- (3) Within the previous six months, the Employer discharged an employee(s) because the employee(s) filed charges or cooperated with the NLRB.
- (4) Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.
- (5) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.
- (6) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.
- (7) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.
- (8) Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) filed charges or cooperated with the NLRB.
- (9) Since about January 2016 and continuing, the Employer has maintained an overly broad confidentiality provision and required all employees to sign said agreement as a term and condition of employment.
- (10) Since about May 18, 2016, the Employer, by its agents and representatives, has interfered with employees' ability to engage in protected, concerted activity by imposing restrictions on employee Facebook activity.

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case
02-CA-185306Date Filed
9/28/16

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

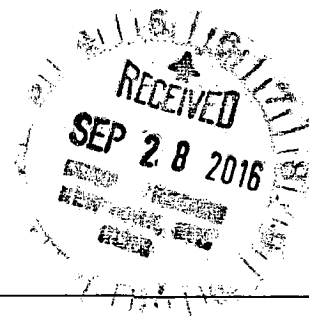
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

| | | |
|---|--|--------------------------------------|
| a. Name of Employer 1650 Broadway Associates d/b/a Ellen's Stardust Diner | | b. Tel. No. (212) 956-5151 |
| | | c. Cell No. |
| | | f. Fax No. |
| d. Address (Street, city, state, and ZIP code) 1650 Broadway New York, NY 10019 | e. Employer Representative Ken Sturm Owner | g. e-Mail ken@theirdium.com |
| | | h. Number of workers employed 170 |
| i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurants | j. Identify principal product or service Food Service | |

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 1, 3, 4 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Please see attached Rider.



3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Stardust Family United

| | |
|---|------------------------------------|
| 4a. Address (Street and number, city, state, and ZIP code) c/o Eisner & Dictor, P.C. 39 Broadway, Ste. 1540 New York, NY 10006 | 4b. Tel. No. (212) 473-8700 |
| | 4c. Cell No. |
| | 4d. Fax No. (212) 473-8705 |
| | 4e. e-Mail ben@eisnerdictor.com |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Industrial Workers of the World | |

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By
(signature of representative or person making charge)

Benjamin N. Dictor, Esq.

(Print/type name and title or office, if any)

Address 39 Broadway, Ste. 1540, New York, NY 10006

9/28/2016

(date)

Tel. No. (212) 473-8700

Office, if any, Cell No.

Fax No. (212) 473-8705

e-Mail
ben@eisnerdictor.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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Case No.
02-CA-185306

Date
9/28/16

Rider to
National Labor Relations Board
Charge Against Employer

Re: Stardust Family United

Basis of the Charge

- (1) Within the previous six months, the Employer discharged employees because the employees engaged in protected concerted activities by, inter alia: (a) discussing wages and/or other terms and conditions of employment; (b) protesting terms and conditions of employment; (c) because the employees filed charges or cooperated with the NLRB; and (d) because the employees joined or supported a labor organization and in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.
- (2) Within the previous six months, the Employer disciplined and/or retaliated against employees because: (a) the employees joined or supported a labor organization; (b) the employees engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment; (c) the employees engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment; and (d) because the employees filed charges or cooperated with the NLRB in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.

Additional Information Provided

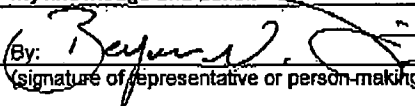
- On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.
- On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.
- On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.
- On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.
- On (b) (6), (b) (7)(C) 2016, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:**

| DO NOT WRITE IN THIS SPACE | |
|----------------------------|------------|
| Case | Date Filed |
| 02-CA-185306 | 12-15-16 |

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT | | |
|--|--|--|
| a. Name of Employer 1650 Broadway Associates d/b/a Ellen's Stardust Diner | | b. Tel. No. (212)956-5151 |
| | | c. Cell No. |
| d. Address (street, city, state ZIP code) 1650 Broadway, New York City, NY 10019 | e. Employer Representative Ken Sturm Owner | f. Fax No. |
| | | g. e-Mail ken@theiridium.com |
| | | h. Dispute Location (City and State) New York, NY |
| i. Type of Establishment (factory, nursing home, hotel) Restaurants | j. Principal Product or Service Food Service | k. Number of workers at dispute location 170 |
| l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. | | |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) | | |
| See attached Rider | | |

| | |
|--|------------------------------------|
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number) Stardust Family United | |
| 4a. Address (street and number, city, state, and ZIP code) c/o Eisner & Dictor, P.C., 39 Broadway, Suite 1540, New York City, NY 10006 | 4b. Tel. No. 212-473-8700 |
| | 4c. Cell No. |
| | 4d. Fax No. 212-473-8705 |
| | 4e. e-Mail ben@eisnerdictor.com |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Industrial Workers of the World | |
| 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. | Tel. No. 212-473-8700 |
| By:  (signature of representative or person making charge) | Office, if any, Cell No. |
| Benjamin N. Dictor, Esq. Print Name and Title | Fax No. 212-473-8705 |
| Address: c/o Eisner & Dictor, P.C., 39 Broadway, Suite 1540, New York City, NY 10006 | e-Mail ben@eisnerdictor.com |
| Date: 12/15/16 | |

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Re: Stardust Family United

1. Within the previous six months, the Employer discharged employees because the employees engaged in protected concerted activities by, inter alia: (a) discussing wages and/or other terms and conditions of employment; (b) protesting terms and conditions of employment; (c) because the employees filed charges or cooperated with the NLRB; and (d) because the employees joined or supported a labor organization and in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.
2. Within the previous six months, the Employer disciplined and/or retaliated against employees because: (a) the employees joined or supported a labor organization; (b) the employees engaged in protected concerted activities by, inter alia, discussing wages, hours, or other terms and conditions of employment; (c) the employees engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment; and (d) because the employees filed charges or cooperated with the NLRB in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.

[illegible]

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
02-CA-191905Date Filed
1/26/17**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

| | | |
|---|--|--------------------------------------|
| a. Name of Employer 1650 Broadway Associates d/b/a Ellen's Stardust Diner | | b. Tel. No. (212) 955-5151 |
| | | c. Cell No. |
| | | f. Fax No. |
| d. Address (Street, city, state, and ZIP code) 1650 Broadway, New York City, NY 10019 | e. Employer Representative Ken Sturm Owner | g. e-Mail ken@theiridium.com |
| | | h. Number of workers employed 170 |
| i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant | j. Identify principal product or service Food Service | |

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)1; 8(a)3; 8(a)4 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

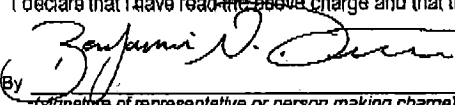
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)
See attached Rider

RECEIVED
NLRB
REGION 2
2017 JAN 26 PM 4:49
NEW YORK, NY

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Stardust Family United

| | |
|--|------------------------------------|
| 4a. Address (Street and number, city, state, and ZIP code) c/o Eisner & Dictor, P.C. 39 Broadway, Suite 1540, New York City, New York 10006 | 4b. Tel. No. 212-473-8700 |
| | 4c. Cell No. |
| | 4d. Fax No. 212-473-8705 |
| | 4e. e-Mail ben@eisnerdictor.com |

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
Industrial Workers of the World

| | | |
|---|--|--------------------------------|
| 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. | | Tel. No. 212-473-8700 |
| By  (signature of representative or person making charge) | | Office, if any, Cell No. |
| Benjamin N. Dictor, Esq. (Print/type name and title or office, if any) | | Fax No. 212-473-8705 |
| Address c/o Eisner & Dictor, P.C., 39 Broadway, Suite 1540, NYC, 10006 | | e-Mail ben@eisnerdictor.com |
| | | 1/26/17 (date) |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

02-CA-191905

1/261/7

Rider To
National Labor Relations Board
Charge Against Employer

Re: Stardust Family United

Basis of Charge

1. Within the previous six months, the Employer discharged employees because the employees engaged in protected concerted activities by, *inter alia*: (a) discussing wages and/or other terms and conditions of employment; (b) protesting terms and conditions of employment; (c) because the employees filed charges or cooperated with the NLRB; and (d) because the employees joined or supported a labor organization and in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.
2. Within the previous six months, the Employer disciplined and/or retaliated against employees because the employees engaged in protected concerted activities by, *inter alia*: (a) discussing wages and/or other terms and conditions of employment; (b) protesting terms and conditions of employment; (c) because the employees filed charges or cooperated with the NLRB; and (d) because the employees joined or supported a labor organization and in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.

Additional Information Provided

On (b) (6), (b) (7)(C) 2017, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

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02-CA-191905

1/261/7

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On (b) (6), (b) (7)(C) 2017, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

Amended
02-CA-191905

| DO NOT WRITE IN THIS SPACE | |
|-----------------------------|------------------------------|
| Case 02-CA-191905 | Date Filed 5/24/17 |

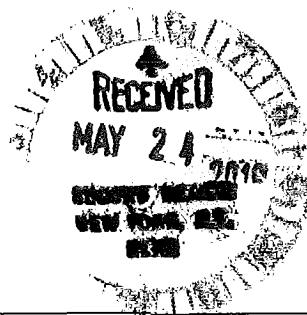
INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

| | | |
|---|---|---|
| a. Name of Employer 1650 Broadway Associates d/b/a Ellen's Stardust Diner | | b. Tel. No. (212) 955-5151 |
| | | c. Cell No. |
| | | f. Fax No. |
| d. Address (Street, city, state, and ZIP code) 1650 Broadway, New York City, NY 10019 | e. Employer Representative Ken Sturm Owner | g. e-Mail ken@theiridium.com |
| | | h. Number of workers employed 170 |
| i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant | j. Identify principal product or service Food Service | |
| k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)1; 8(a)3; 8(a)4 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. | | |

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)
See attached Rider



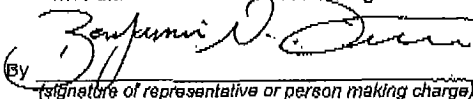
3. Full name of party filing charge (if labor organization, give full name, including local name and number)
Stardust Family United

| | |
|--|---|
| 4a. Address (Street and number, city, state, and ZIP code) c/o Eisner & Dictor, P.C., 39 Broadway, Suite 1540, New York City, New York 10006 | 4b. Tel. No. 212-473-8700 |
| | 4c. Cell No. |
| | 4d. Fax No. 212-473-8705 |
| | 4e. e-Mail ben@eisnerdictor.com |

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
Industrial Workers of the World

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By 
(signature of representative or person making charge)

Benjamin N. Dictor, Esq.

(Print/type name and title or office, if any)

| |
|---------------------------------------|
| Tel. No. 212-473-8700 |
| Office, if any, Cell No. |
| Fax No. 212-473-8705 |
| e-Mail ben@eisnerdictor.com |

Address **c/o Eisner & Dictor, P.C., 39 Broadway, Suite 1540, NYC, 10006** (date) **5/24/17**

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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Rider To
National Labor Relations Board
Charge Against Employer

Re: Stardust Family United

Basis of Charge

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2. Within the previous six months, the Employer disciplined and/or retaliated against employees because the employees engaged in protected concerted activities by, *inter alia*: (a) discussing wages and/or other terms and conditions of employment; (b) protesting terms and conditions of employment; (c) because the employees filed charges or cooperated with the NLRB; and (d) because the employees joined or supported a labor organization and in order to discourage employees from engaging in protected concerted activities and/or to discourage union activities.

Additional Information Provided

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On (b) (6), (b) (7)(C) 2017, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.

On or about (b) (6), (b) (7)(C) 2017, the Employer terminated (b) (6), (b) (7)(C) for one or more of the foregoing reasons, in violation of the NLRA.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plaza Suite 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

December 17, 2018

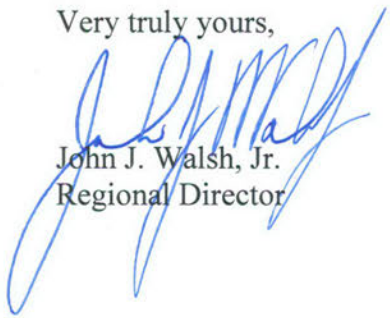
Steven A Cash, Esq.
7 Times Square Times Square Tower
New York, NY 10036

Re: 1650 Broadway Associates d/b/a Ellen's
Stardust Diner
Case Nos. 02-CA-183919
02-CA-184293
02-CA-185306
02-CA-191905

Dear Mr. Cash

Satisfactory evidence of compliance with the October 3, 2017, and February 2, 2018, Settlement Agreements in the above-captioned cases has been submitted and no evidence of a failure to comply with the requirement to refrain from engaging in certain conduct has been presented. The cases are hereby closed and will remain closed conditioned upon continued observance of the Settlement Agreements. You are cautioned that subsequent violations of the National Labor Relations Act may become the basis for further proceedings in the instant case despite its formal closing.

Very truly yours,


John J. Walsh, Jr.
Regional Director

cc

Gregory S. Tabakman, Esq.
Day Pitney, LLP
1 Jefferson Road
Parsippany, NJ 07054

Patrick J. McCarthy, Esq.
Day Pitney, LLP
1 Jefferson Road
Parsippany, NJ 07054-2833

Re: 1650 Broadway Associates d/b/a Ellen's - 2 -
Stardust Diner
Case Nos. 02-CA-183919, 02-CA-184293,
02-CA-185306 and 02-CA-191905


December 17, 2018

Rachel A. Gonzalez, Esq.
Day Pitney, LLP
1 Jefferson Road
Parsippany, NJ 07054-2833

1650 Broadway Associates d/b/a Ellen's Stardust Diner
Attn: Ken Sturm, Owner
1650 Broadway
New York, NY 10019

Benjamin N. Dictor, Counsel
Eisner & Dictor, P.C.
39 Broadway, Suite 1540
New York City, NY 10006

(b) (6), (b) (7)(C)

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